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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,516	12/13/2001	Kiem-Phong Vo	2001-0173	5938

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Mr. S. H. Dwortesky  
AT & T Corp  
One AT& T Way  
Rm. 2A-207  
Bedminster, NJ 07921

EXAMINER

TRINH, TAN H

ART UNIT PAPER NUMBER

2684

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/015,516

Applicant(s)

VO, KIEM-PHONG

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-29 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Reasons for allowance***

2. The following is a statement of reasons for the indication of allowable subject matter:

Claims 14 and 15 are allowed with the same reasons set forth in the previous Office action (paper mailed on 8-5-2004).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun (U.S. Pub. No. 20020160751) in view of Iivonen (U.S. Pub. No. 20030114140).

Regarding claims 1 and 22, Sun teaches a method replaying a portion of a communication (see figs. 1 and 5C), comprising the steps of: establishing a connection between first and second end nodes (see fig. 1, node 102 and node 104); receiving, at a buffering module in the connection remote from the first and second end nodes (see fig. 1, page 2, session [0025]), a communications signal sent from the second end node to the first

end node or across the unreliable link to the end node (see fig. 1, page 4, session [0048]). But

Sun fails to teach the maintaining in a memory a segment of the communications signal that was transmitted through the buffering module immediately previous to present time; receiving at the buffering module a request to retransmit at least a portion of the segment of the signal; and retransmitting from the buffering module to the first end node the portion of the segment.

However, Iivonen teaches the short message service center SMSC, which forwards short messages, and stores and retransmits those not delivered. All short messages are transmitted through a short message service center. A short message service center can receive a short message through any network for delivery to a mobile station, and a short message written using a keyboard from a mobile station for onward delivery to another mobile station or another destination. (see fig. 3, page 2, session [0025]), that is obvious to the maintaining in a memory a segment of the communications signal that was transmitted through the buffering module immediately previous to present time; receiving at the buffering module a request to retransmit at least a portion of the segment of the signal; and retransmitting from the buffering module to the first end node the portion of the segment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Sun system and by the providing of the teaching on the short message service center SMSC, which forwards short messages, and stores and retransmits those not delivered technique, thereto in order to have the a request to retransmit at least a portion of the segment of the signal; and retransmitting from the buffering module to the first end node the portion of the segment.

Regarding claim 2, Iivonen teaches wherein at least a portion of the connection is a PSTN, and wherein the step of establishing a connection includes establishing a circuit-switched path (see page 2, session [0026]) and since the PSTN or the network is well known that is include the switched path).

Regarding claims 3 and 24, Iivonen teaches wherein the request to retransmit is a touch-tone sequence (see page 2, session [0023]).

Regarding claims 4 and 5 wherein the request to retransmit is an in- band signal or out-of- band signal. That is well known in the art.

Regarding claim 6, Iivonen teaches further comprising the step of receiving at the buffering module a request to begin maintaining in a memory a segment of the signal (see page 3, session [0036]).

Regarding claim 7, Sun teaches wherein at least a portion of the connection is a packet switched network (see fig. 1, data network 114).

Regarding claim 8, Sun teaches wherein the step of establishing a connection comprises establishing a TCP/IP connection (see fig. 1, Internet 114 and Gateway server 118).

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Regarding claim 9, Sun teaches wherein the communications signal is a voice signal, and the segment of the signal is a time segment of the voice signal (see page 1, session [0009], lines 8-9).

Regarding claim 10, Sun teaches wherein the connection includes a wireless signal between the first node and the buffering module (see fig. 1, cell-phone 102 and data network 114).

Regarding claim 11, Sun teaches wherein the connection includes an unreliable portion between the first node and the buffering module (see fig. 1, cell-phone 102 and data network 114).

Regarding claims 12 and 25, Sun teaches wherein the first node is a handheld device selected from a group consisting of a premises telephone station set, a wireless telephone handset and a PDA (see fig. 1, cell-phone 102).

Regarding claim 13, Sun teaches wherein the connection includes an audio bridge, and wherein the step of maintaining in memory a segment of the signal comprises maintaining in memory a segment of a signal sent by the audio bridge to listening station sets (see page 1, session [0008-0009]).

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Regarding claims 16 and 26, Sun teaches further comprising the step of storing a record of the retransmitting step in a message record accumulator (see page 2, session [0026]).

Regarding claims 17 and 27, Iivonen teaches wherein the request to retransmit received at the buffering module is automatically generated (see page 2, session [0025]).

Regarding claims 18 and 28, Iivonen teaches wherein the request is generated upon detection of corrupted data (see page 2, session [0025], since the data those is not delivery can be retransmits that is obvious to retransmits the corrupted data).

Regarding claims 19 and 29, Iivonen teaches wherein the request is generated at the first node (see fig. 1, page 2, session [0019]).

Regarding claim 20, Sun teaches wherein the step of receiving a communications signal further includes receiving a communications signal sent from the first end node to the second end node (see fig. 1, first end node cell-phone 102 to the second cell-phone 104, page 2, session [0028]).

Regarding claim 21, Iivonen teaches further comprising the step of transmitting from the buffering module to a permanent storage the portion of the segment (see page 3, session [0036]).

Regarding claim 23, Sun teaches wherein the unreliable link is a wireless signal (see fig. 1, cell-phone 102 and wireless network 110).

### *Response to Arguments*

5. In response to the Applicant's Affidavit filed under CFR 1.131 to remove the Sun et al. and Iivonen references, the evidence (i.e., the Email sent between the inventor and his partner, Bob) submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Sun et al. and Iivonen references to either a constructive reduction to practice or an actual reduction to practice. Carefully reviewing the "e-mail" evidence between inventor Thong and his partner Bob, the e-mail evidence shows only the concept of the invention should be filed for a patent. It does not discuss anything concerning about limitations recited in the claims.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (571) 272-7882.

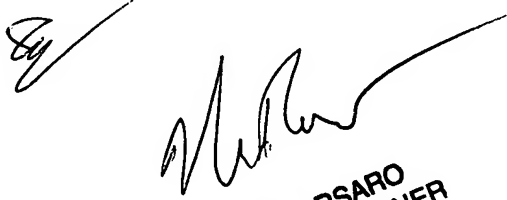
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh  
Art Unit 2684  
April 14, 2005



**NICK CORSARO**  
**PRIMARY EXAMINER**